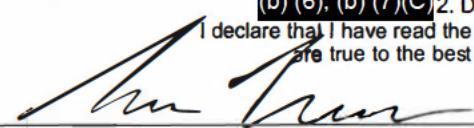


UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
29-CB-271670	1/19/2021

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Amalgamated Local 298, Eastern States Joint Board, International Union of Allied Novelty and Productions Workers, AFL CIO		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 201 West Valley Stream Blvd. Valley Stream, NY 11580		d. Tel. No. (516) 825 1851	e. Cell No. unknown
		f. Fax No. unknown	
		g. e-mail unknown	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) EXPEDITED PROCESSING REQUESTED: Union has unlawfully been supported and dominated by Employer, to the detriment of Petitioners' NLRA rights. Employer instructed Petitioners (all but one of whom are not fluent in English) to sign a piece of paper which, unbeknownst to them, would make them part of Employer's hand-picked union (i.e., the Respondent union). Petitioners never wanted to be in Employer's hand-picked union. (See addendum for fact summary) (A contemporaneous ULP charge is also being filed under section 8(a)(1)-(3) against the Employer; Petitioners ask that it be consolidated with this charge.)			
3. Name of Employer (b) (6), (b) (7)(C) a/k/a (b) (6), (b) (7)(C) a/k/a (b) (6), (b) (7)(C) a/k/a (b) (6), (b) (7)(C) a/k/a (b) (6), (b) (7)(C) (hereafter, (b) (6), (b) (7)(C) , Tiebout II Associates LLC, 2335 Valentine LLC, and 1665 Monroe Assoc LLC		4a. Tel. No. (917) 216 8527	b. Cell No. (917) 216 8527
		c. Fax No.	
		d. e-mail unknown	
5. Location of plant involved (street, city, state and ZIP code) 1864 58th St., Brooklyn, NY 11204; Tiebout II Associates LLC: 1419 Ave. J, Brooklyn, NY 11230; 2335 Valentine LLC: 1419 Ave. J, Brooklyn, NY 11230; 1665 Monroe Assoc LLC: 1417 Ave. J, Brooklyn, NY 11230		6. Employer representative to contact Tilton Beldner LLP, 626 RXR Plaza, Uniondale, NY 11556; attn Josh Beldner, Esq.; P: (516) 262-3602; F: (516) 324 3170 email: ibeldner@tiltonbeldner.com	
7. Type of establishment (factory, mine, wholesaler, etc.) City-wide residential apartment rentals	8. Identify principal product or service Renting residential dwellings	9. Number of workers employed <i>See addendum</i>	
10. Full name of party filing charge (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)			
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		11a. Tel. No. (646) 342-1139 c/o Scott A. Lucas Esq.	b. Cell No. (646) 342-1139 c/o Scott A. Lucas Esq.
		c. Fax No.	
		d. e-mail scott@lucasemploymentlaw.com c/o Scott A. Lucas, Esq.	
 (signature of representative or person making charge) 250 Park Ave., Suite 2020, New York, NY 10177 Address _____		Tel. No. (646) 342 1139	
		Cell No. (646) 342 1139	
		Fax No. N/A	
		e-mail scott@lucasemploymentlaw.com	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. Scott A. Lucas, Esq. (Print/type name and title or office, if any)			
Date January 15, 2021			

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

ADDENDUM [Expedited Processing Requested]

Respondent (hereafter, "Local 298") allowed itself to be used as an instrumentality of Petitioners' employer, i.e., (b) (6), (b) (7)(C) and the businesses (b) (6), (b) (7)(C) including 1665 Monroe Assoc LLC, 2355 Valentine LLC and Tiebout II Associates LLC (collectively, "Employer"). Among other things, Local 298 wrongfully allowed Employer to instruct employees (including Petitioners) to sign union cards purporting to make Local 298 their exclusive bargaining representative, and accepted recognition as Petitioners' exclusive representative in units that it and the Employer agreed to at a time when it did not represent an uncoerced majority of said units' employees, thereby restraining and coercing Petitioners in the exercise of their Section 7 rights in violation of NLRA Sections 8(b)(1)(A) and discriminating against them in violation of NLRA Section 8(b)(2).

Summary

1. Employer owns and controls buildings throughout New York City. Petitioners are and were employed by Employer. Except for (b) (6), (b) (7)(C) Petitioners are native Spanish speakers whose understanding of English is very limited.

Petitioners (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

2. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are (b) (6), (b) (7)(C) of the building operated by Tiebout II Associates LLC (which is owned and controlled by Employer).

3. Between July 22 and August 6, 2020, their (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) to sign a paper (b) (6), (b) (7)(C) thought was a pay receipt. (b) (6), (b) (7)(C) complied. (Later events revealed it was probably a union authorization card for Local 298.

4. On or about August 31, 2020, (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to sign a paper containing the words "Local 298." (b) (6), (b) (7)(C) refused.

Petitioner (b) (6), (b) (7)(C)

5. (b) (6), (b) (7)(C) is and was (b) (6), (b) (7)(C) at the building operated by 2335 Valentine LLC (which is owned and controlled by Employer). On July 21, 2020, (b) (6), (b) (7)(C) showed up at (b) (6), (b) (7)(C) apartment with someone (b) (6), (b) (7)(C) referred to as (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) handed (b) (6), (b) (7)(C) a paper and told (b) (6), (b) (7)(C) to sign it so that when (b) (6), (b) (7)(C) retires the insurance will give (b) (6), (b) (7)(C) more money, and that no money would be taken out of (b) (6), (b) (7)(C) pay.

6. (b) (6), (b) (7)(C) understood this to mean that by signing the paper (b) (6), (b) (7)(C) would receive more money from Social Security when (b) (6), (b) (7)(C) retired. (b) (6), (b) (7)(C) did as (b) (6), (b) (7)(C) was told.

Petitioners (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

7. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are (b) (6), (b) (7)(C) in the building operated by 1665 Monroe Assoc LLC. In July 2020, (b) (6), (b) (7)(C) appeared outside the

building with two or three unidentified men and told them to sign a paper [REDACTED] said was for medical insurance and higher pay. [REDACTED] and [REDACTED] did as they were told.

8. Shortly after November 25, 2020 Petitioners discovered that: (A) Local 298” was claiming to represent them even though they never intended to join and had no idea that the card they signed had anything to do with a union; (B) their respective buildings had each recognized Local 298 as the bargaining agent for the employees of their respective buildings; and (C) that their respective buildings and Local 298 signed a CBA allegedly impacting their rights.

9. Upon information and belief, unbeknownst to Petitioners at the time, the pieces of paper that [REDACTED] had [REDACTED] and [REDACTED] sign, and the paper that [REDACTED] had [REDACTED] sign, purported to make them all members of the Employer’s hand-picked Union (Local 298). Petitioners did not seek to be part of the Union, never agreed to be part of the Union, and never met with anyone who told them they were part of the Union.

10. The Employer and the Employer’s counsel also knew full well that Petitioners were represented by counsel when Petitioners were approached *ex parte* and told to sign papers which, unbeknownst to them, made them part of the Employer’s hand-picked Union (Local 298).

11. The Employer’s direction to Petitioners to sign papers to make them members of the Employer’s hand-picked union (Local 298), and the Employer’s making of false, misleading or otherwise improper representations to Petitioners in connection with the giving of such directives, far surpassed the threshold for unlawful assistance to a labor organization and unlawful interference with the employees’ rights to choose their own representative. *Dep’t Store Food Corp. v. NLRB*, 415 F.2d 74, 76-77 (3d Cir. 1969) (“the Company violated Section 8(a)(1) and (2), because its subtle coercion deprived the employees of the ‘complete and unhampered freedom of choice which the Act contemplates.’”). “Once it is shown that [management] unlawfully assisted [the union] in garnering union support, any subsequent recognition of the union is tainted.” *NLRB v. Windsor Castle Health Care Fac.*, 13 F.3d 619, 623 (2d Cir. 1994).

12. Notably, Employer’s hand-picked union (Local 298) has allowed itself to be dominated by an employer on at least one prior occasion. See *Tuschak/Jacobson, Inc.*, 223 N.L.R.B. 1298, 1309 (N.L.R.B. May 5, 1976).

Question 9 (“Number of Workers Employed”):

Applying the single employer test, [REDACTED] and [REDACTED] enterprises are believed to have 100+ employees.

WHEREFORE, in light of the foregoing misconduct, Petitioners respectfully requests the issuance of an order:

- A. Declaring or finding that Local 298 engaged in unfair labor practices in violation of, *inter alia*, NLRA section 8(b)(1)(A) and 8(b)(2);

- B. Declaring or finding that Employer's hand-picked union (Local 298) was never validly selected as Petitioners' bargaining agent, and never had authority to act on Petitioners' behalf;
- C. Rescinding any collective bargaining agreements between Employer and Local 298 that purport to govern any terms or conditions of Petitioners' employment; and
- D. Providing for such other relief as will protect Petitioners' NLRA rights without compromising their judicial rights.